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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
8 **SAN FRANCISCO DIVISION**  
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10 YVONNE HODGE,

11 Plaintiff,

12 v.

13 OAKLAND UNIFIED SCHOOL DISTRICT,  
14 and others,

15 Defendants.

Case Number 09-cv-04719 RS (NC)

**ORDER RE: PLAINTIFF'S  
MOTION TO COMPEL AND  
MOTION FOR SANCTIONS**

Re: Docket Nos. 92, 93

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17 Plaintiff Hodge moves to compel (i) an accurate list of aides assigned to ESY in  
18 2008; and (ii) a supplemental deposition under Fed. R. Civ. P. 30(b)(6) limited to the  
19 topic of the "names, age, race, and credential of teachers hired for Extended School Years  
20 2008, 2009, 2010, and 2011."

21 **FURTHER "MEET AND CONFER" IS REQUIRED**

22 The parties have not satisfied the "meet and confer" requirement before presenting  
23 this discovery dispute to the Court. Civil Local Rule 1-5(n) provides that "meet and  
24 confer" means to communicate "directly and discuss in good faith the issue(s) required  
25 under the particular Rule or order." Further, "mere sending of a written, electronic, or  
26 voice-mail communication, however, does not satisfy" the requirement. This requirement  
27 "can be satisfied only through direct dialogue and discussion – either in a face to face  
28 meeting or in a telephone conversation."

1 Here, Hodge's motion followed "conferring" with the District's counsel by email  
2 and voicemail only. There is no evidence of a "direct dialogue and discussion." Civil  
3 L.R. 1-5(n).

4 It is therefore ordered that the parties' counsel by November 9 at 5:00 p.m. shall  
5 engage in a direct dialogue concerning the issues raised in Hodge's motion. The parties  
6 shall jointly file a supplemental brief by November 14, (i) detailing the completion of the  
7 meet and confer process; (ii) identifying any issues that remain in dispute; and (iii)  
8 identifying efforts at compromise.

#### 9 **RUSK DEPOSITION**

10 The Court offers some preliminary views to guide the discussions about the further  
11 deposition. On September 9, District Counsel agreed to produce John Rusk for a  
12 supplemental 30(b)(6) deposition about a report concerning age, race, and credentials of  
13 teachers who worked ESY in 2009-2011. Doc. 92-3. The Court's September 26 Order  
14 (Doc. 90) did not address this issue. If the District agreed to the deposition, the Court is  
15 not aware why the deposition should not go forward as agreed.

#### 16 **PISANI DECLARATION**

17 Finally, the Court reviewed the Declaration of John Pisani, which documented the  
18 District's compliance with document requests in this case. Doc. 92-1. The Court finds  
19 the disclosure that Mr. Pisani reviewed emails of "various individuals" to be overly  
20 vague. Doc. 92-1 at Par. 1(d). The District shall supplement the Pisani declaration by  
21 November 14 by adding the names of the email accounts searched and the method of  
22 search. In other words, if Pisani read every email, he should say so, and if he used a  
23 search tool, he should describe the search process.

#### 24 **SANCTIONS MOTION UNDER CONSIDERATION**

25 The Court may consider Hodge's Motion for Sanctions (Doc. 93) after reviewing  
26 the parties' supplemental meet and confer submission.

#### 27 **NOVEMBER 30 HEARING VACATED**

28 Finally, the November 30 hearing on Hodge's motions to compel and for sanctions  
is VACATED. The Court may reset the hearing after reviewing the meet and confer

1 submission. The Court desires no further briefing on the motions to compel and for  
2 sanctions, except as expressly requested in this Order.

3 IT IS SO ORDERED.

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5 DATED: November 2, 2011



6 NATHANAEL M. COUSINS  
7 United States Magistrate Judge  
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